

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

LOLITA MORRIS,	:	Case No. 1:15-cv-66
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
v.	:	
	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY ADOPTING THE REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE  
(Doc. 12)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on September 3, 2015, submitted a Report and Recommendations. (Doc. 12). Plaintiff timely filed objections.<sup>1</sup>

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all

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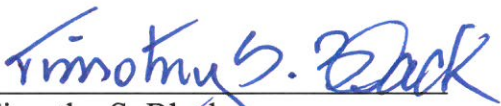
<sup>1</sup> Plaintiff's objections are not well taken. Plaintiff contends she was late with her appeal because of the post office delivery. According to Plaintiff, she had her mail forwarded when she moved last summer, and she "received the letter two weeks before the time it was needed to be turned in." (Doc. 13). The Court construes Plaintiff's argument to mean that the Appeals Council's letter, notifying Plaintiff that the ALJ's determination was the final decision of the Commissioner, reached her two weeks before a complaint must have been filed in order to be timely. The alleged delay in the mail does not excuse Plaintiff's failure to timely file a complaint. Plaintiff admittedly had actual notice of the filing requirement at least two weeks before the complaint was required to be filed in order to be timely, and Plaintiff does not state any reason why her complaint could not have been filed within those two weeks.

of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendations (Doc. 12) is **ADOPTED**;
2. Plaintiff's Complaint is **DISMISSED**; and
3. The Clerk shall enter judgment accordingly, whereupon this civil action is **TERMINATED in this Court**.

**IT IS SO ORDERED.**

Date: 10/16/15

  
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Timothy S. Black  
United States District Judge